

DEC 20 2007

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

KENYATTA MADDOX, et al.,

Plaintiffs,

vs.

KNOWLEDGE LEARNING
CORPORATION,

Defendant.

:
:
: CIVIL ACTION FILE NO.
: 1:07-CV-0808-CAP
:
:
:
:
:
:
:

CONSENT ORDER

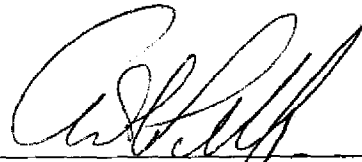
This matter is before the Court on the parties' proposed settlement of this FLSA case. Private settlements are not binding against employees under the FLSA. Lynn's Food Stores, Inc. v. U.S. By and Through U.S. Dept. of Labor, 679 F.2d 1350, 1352 (1982) (citing Brooklyn Savings Bank v. O'Neil, 324 U.S. 697 (1945)). After employees bring a lawsuit against their employer under the FLSA, "the district court may enter a stipulated judgment after scrutinizing the settlement for fairness." Id. at 1353.

The parties submitted a settlement agreement executed by the plaintiffs' counsel, with their authorization, and by the defendant. The Court has read and considered the parties' proposed agreement and has determined that it provides for

the plaintiffs to receive at least 100% of their claimed overtime, with all expenses and fees to be paid by the defendant. It is the Court's judgment that the settlement "reflect[s] a reasonable compromise over issues ... that are actually in dispute," and that approving this settlement "promote[s] the policy of encouraging settlement of litigation." Id. at 1354. Accordingly, the Court hereby approves the parties' proposed settlement agreement, and incorporates its terms into this Order by this reference.

In addition, pursuant to the terms of the settlement agreement, the Court orders that the case remain open until August 1, 2008, to afford other current or former employees who claim overtime compensation is due to them the opportunity to opt-in and join the litigation as a plaintiff by adhering to the procedures set forth in the settlement agreement. The parties are directed to submit a final dismissal of this case following the end of the additional opt-in period.

SO ORDERED, this 20 day of December, 2007.



Charles H. Pannell, Judge
U.S. District Court

Consented to by:

PARKS, CHESIN & WALBERT, P.C.
75 Fourteenth Street, Suite 2600
Atlanta, Georgia 30309
Telephone: (404) 873-8000
Facsimile: (404) 873-8050

s. A. Lee Parks
A. Lee Parks
Georgia Bar No. 563750
lparks@pcwlawfirm.com

Andrew Y. Coffman
Georgia Bar No. 173115
acoffman@pcwlawfirm.com

Eleanor M. Attwood
Georgia Bar No. 514014
eattwood@pcwlawfirm.com

Attorneys for Plaintiffs

SEYFARTH SHAW, LLP
1545 Peachtree Street, N.E., Suite 700
Atlanta, Georgia 30309-2401
Telephone: 885-1500
Facsimile: (404) 892-7056

s. Brett C. Bartlett
Brett C. Bartlett
Georgia Bar No. 040510
bbartlett@seyfarth.com

Louisa J. Johnson
Ga. Bar No. 391805
lojohnson@seyfarth.com

Timothy M. Watson
Admitted Pro Hac Vice
twatson@seyfarth.com

Attorneys for Defendant